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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,235	05/31/2001	Jean-Louis Baffier	50277-1511	2420
29989 7590 11/08/2007 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110			EXAMINER LE, MIRANDA	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 11/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	09/872,235	BAFFIER ET AL.	
	Examiner	Art Unit	
	Miranda Le	2167	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: None.
- Claim(s) objected to: None.
- Claim(s) rejected: 1-6, 8, 10-41, 43 and 45-70.
- Claim(s) withdrawn from consideration: None.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.



Miranda Le  
November 05, 2007

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection.

1. The second parties owning and controlling database applications interacting with database system managed by a first party.

The second parties of the claimed limitation equates to users of Kikuchi (i.e. user\_A, user\_B, user\_C, See Fig. 10).

Database applications of the claimed limitation equates to application program means of Kikuchi. The database applications of the claimed limitation and application program of Kikuchi have the same function as accessing to the database services.

It should be noted that each user of Kikuchi has his/her own account information being stored and used by them (i.e. a distributed database management system which can correspond to a large scale distributed database environment on the basis of single account information without a large amount of account information being stored and used by the user, col. 3, lines 15-20). Therefore, the users of Kikuchi are able to control applicant program execution means, (e.g. database applications claimed limitation) to store and use a large amount of account information belonging to database management system. Kikuchi does not use the term "owning" for the users, but the term "stored and used by the user" of Kikuchi can be read on "owning".

2. Kikuchi's "application program means, col. 8, lines 35-41", correspond to the claimed database applications. Applicant argued that the application program means of Kikuchi provides a connection to the database server. By themselves, the applicant program execution means do not and cannot constitute a database application, and does not have database capability independent of the database server.

The application program means of Kikuchi is not only used for connecting but also for accessing the database (i.e. is connected furthermore to the application program execution means for accessing the above physical database, receives an access statement for accessing physical databases which is issued by the above application program execution means, and transfers the above access statement to the physical database management system for managing the above physical database by selecting one of the above physical databases as an access object and which has the following configuration, col. 5, lines 16-33).

Kikuchi reads on the claimed limitations as:

providing over the network (i.e. network 42, See Fig. 27), to database applications controlled (i.e. stored and used by the user, col. 3, lines 15-20) by the second parties (i.e. The client has an application program execution means 2 for executing the application program for updating or searching the databases and instructs to update or search each database, col. 8, lines 35-41), access to the database services to which the second parties are subscribed (i.e. The client server system in this embodiment consists of a network 42, three database servers 41 (41a, 41b, 41c) connected to the network 42, a client 39 connected to the network 42, and a gateway server 40, col. 8, lines 5-18);

It should be noted that the "constitute database application by themselves", and "database capability independent of the database server" claimed limitations are not recited in the claim invention.

Notably, the claim limitation merely recites the limitation "controlled" but "constitute"; and "subscribed" but "independent".

3. Creating an access statement is not equivalent to generating code.

It should be noted that an access statement of Kikuchi is created by using SQL language (an SQL statement is used as a database access statement, Kikuchi, col. 12, lines 25-26), the SQL language of Kikuchi is equivalent to "code" claimed limitation. The code of the Applicant invention as mentioned in Remark is a script language, therefore, the script language of Kikuchi, e.g. SQL language, is equivalent to "code" claimed limitation.

The Applicants discusses generating code, on page 3 of Remark, is generating by using XML script language, however, the "XML script language" limitation is not recited in the independent claim invention.

Other generating code of the applicants as indicated on page 4 of Remark, "When the customer has completed wizard process, the wizard uses the customer site XML file to automatically generate the objects and code required to implement the customer site. ....". However, the "the wizard uses the customer site XML file to automatically generate the objects and code required to implement the customer site" limitation is not recited in the claimed limitation.

It is noted that it would not be proper for the examiner to give words of the claim special meaning when no such special meaning has been defined by the Applicant in the claim language. Thus, the Examiner's interpretation of the claim scope is consistent with term used.

Applicant's arguments have been fully considered but they are not persuasive. Applicant is encouraged to amend the claims to better reflect what applicant intends to claim as the invention.